

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,

v.

**IVAN JAMES,
KAI JAMES,
JOH WILLIAMS,
MALACHI BENJAMIN,
TILLISA CEASER,
JAHKIEBO JOSEPH, and
ARIEL PETERSEN,**

Defendants.

SECOND SUPERSEDING INDICTMENT

CASE NO. 2019-CR-00079

VIOLATIONS:

21 U.S.C. §§ 846, 841(a)(1)
18 U.S.C. §§ 924(a)(1)(D), 924(c)(1)(A),
18 U.S.C. §§ 924(j), 922(a)(5), 922(q) and 2
14 V.I.C. §§ 922(a)(1) and 2253
14 V.I.C. §§ 551, 552

THE GRAND JURY CHARGES:

COUNT ONE

From in or about January 1, 2013, the exact date unknown, until the date of this Second Superseding Indictment, in the District of the Virgin Islands, and elsewhere, the defendants,

**IVAN JAMES,
KAI JAMES,
JOH WILLIAMS,
MALACHI BENJAMIN,
TILLISA CEASER,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

and others, known and unknown to the Grand Jury, did knowingly and intentionally combined, conspired, confederated, and agreed, together and with other persons, manufacture and possess with the intent to distribute a mixture or substance containing a detectible amount of Cocaine Hydrochloride, a Schedule II Controlled Substance, and a mixture or substance containing a

detectable amount of Marijuana, a Schedule I Controlled Substance. All in violation of 21 U.S.C. §§ 846 and 841(A)(1).

COUNT TWO

On or about February 28, 2019, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,**

and others known and unknown to the Grand Jury, aided and abetted by each other and together and with other persons, did knowingly and intentionally possess with the intent to distribute, less than fifty (50) kilograms or more of a mixture or substance containing a detectible amount of Marijuana, a Schedule I Controlled Substance. All in violation of 21 U.S.C. § 841(D).

COUNT THREE

On or about July 14, 2017, in the District of the Virgin Islands, the defendants,

**IVAN JAMES,
KAI JAMES,
MALACHI BENJAMIN,**

and by others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly and intentionally manufacture with the intent to distribute one thousand (1,000) kilograms or more of a substance or mixture containing a detectible amount of Marijuana, a Schedule I Controlled Substance. All in violation of 21 U.S.C. § 841(a)(1).

COUNT FOUR

On or about July 14, 2017, in the District of the Virgin Islands, the defendants,

**IVAN JAMES,
MALACHI BENJAMIN,**

and by others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly and intentionally possess with the intent to distribute five hundred (500) grams or more of a substance or mixture containing a detectible amount of Cocaine Hydrochloride, a Schedule II, Controlled Substance. All in violation of 21 U.S.C. § 841(a)(1).

COUNT FIVE

From on or about January 1, 2019, the exact date unknown, until the date of this Second Superseding Indictment, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

and others known and unknown to the Grand Jury, did knowingly and intentionally combined, conspired, confederated, and agreed, together and with other persons, to transport firearms, that is: (1) one (1) Smith & Wesson, 9 Millimeter Handgun, Serial Number HPP3181; (2) one (1) Smith & Wesson, 9 Millimeter Handgun, Serial Number HSR3500; (3) one (1) Glock 22, .40 Caliber Handgun, Serial Number BDUN801; (4) one (1) Glock 19, 9 Millimeter Handgun, Serial Number RYF733; and (5) one (1) Colt Sporter .223 Caliber, AR-15 Rifle, Serial Number MH064994, to Jason Freeman, said person not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, 18 U.S.C., and knowing and with reasonable cause to believe that said person was not then residing in St. Croix, VI, United States Territory, in which the defendant was residing at the time of the aforesaid transfer of the firearms. All in violation of 18 U.S.C. §§ 922(a)(5) and 924(a)(1)(D).

COUNT SIX

On or about February 28, 2019, the exact date unknown, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

and other persons known and unknown to the Grand Jury, and aided and abetted by each other, did willfully transport a firearm, that is: one (1) Smith & Wesson, 9 Millimeter Handgun, Serial Number HPP3181, to Jason Freeman, said person not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, 18, U.S.C., and knowing and with reasonable cause to believe that said person was not then residing in St. Croix, VI, United States Territory, in which the defendant was residing at the time of the aforesaid transfer of the firearm. All in violation of 18 U.S.C. §§ 922(a)(5) and 924(a)(1)(D).

COUNT SEVEN

On or about February 28, 2019, the exact date unknown, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

and other persons known and unknown to the Grand Jury, and aided and abetted by each other, did willfully transport a firearm, that is: one (1) Smith & Wesson, 9 Millimeter Handgun, Serial Number HSR3500, to Jason Freeman, said person not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, 18, U.S.C., and knowing and with reasonable cause to believe that said person was not then residing in St. Croix, VI,

United States Territory, in which the defendant was residing at the time of the aforesaid transfer of the firearm. All in violation of 18 U.S.C. §§ 922(a)(5) and 924(a)(1)(D).

COUNT EIGHT

On or about February 28, 2019, the exact date unknown, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

and other persons known and unknown to the Grand Jury, and aided and abetted by each other, did willfully transport firearms, that is: one (1) Glock 22, .40 Caliber Handgun, Serial Number BDUN801, to Jason Freeman, said person not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, 18, U.S.C., and knowing and with reasonable cause to believe that said person was not then residing in St. Croix, VI, United States Territory in which the defendant was residing at the time of the aforesaid transfer of the firearm. All in violation of 18 U.S.C. §§ 922(a)(5) and 924(a)(1)(D).

COUNT NINE

On or about February 28, 2019, the exact date unknown, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

and other persons known and unknown to the Grand Jury, and aided and abetted by each other, did willfully transport firearms, that is: one (1) one Glock 19, 9 Millimeter Handgun, Serial Number RYF733, to Jason Freeman, said person not being a licensed importer, manufacturer,

dealer, and collector of firearms, within the meaning of Chapter 44, 18 U.S.C., and knowing and with reasonable cause to believe that said person was not then residing in St. Croix, VI, United States Territory in which the defendant was residing at the time of the aforesaid transfer of the firearm. All in violation of 18 U.S.C. §§ 922(a)(5) and 924(a)(1)(D).

COUNT TEN

On or about February 28, 2019, the exact date unknown, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

and others known and unknown to the Grand Jury, and aided and abetted by each other, did willfully transport a firearm, that is: one (1) Colt Sporter .223 Caliber, AR-15 Rifle, Serial Number MH064994, to Jason Freeman, said person not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, 18 U.S.C., and knowing and with reasonable cause to believe that said person was not then residing in St. Croix, VI, United States Territory, in which the defendant was residing at the time of the aforesaid transfer of the firearm. All in violation of 18 U.S.C. §§ 922(a)(5) and 924(a)(1)(D).

COUNT ELEVEN

On or about February 28, 2019, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendant,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Smith & Wesson, 9 Millimeter Handgun, Serial Number HPP3181, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT TWELVE

On or about February 28, 2019, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Smith & Wesson, 9 Millimeter Handgun, Serial Number HSR3500, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. 924(c)(1)(A) and 2.

COUNT THIRTEEN

On or about February 28, 2019, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Glock 22, .40 Caliber Handgun, Serial Number BDUN801, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT FOURTEEN

On or about February 28, 2019, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Glock 19, 9 Millimeter Handgun, Serial Number RYF733, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT FIFTEEN

On or about February 28, 2019, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendants,

**KAI JAMES,
JAHKIEBO JOSEPH,
ARIEL PETERSEN,**

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Colt Sporter .223 Caliber, AR-15 Rifle, Serial Number MH064994, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT SIXTEEN

On or about August 3, 2017, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendant,

IVAN JAMES,

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Olympic Arms MFR AR Rifle bearing Serial Number TB1292, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged

in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT SEVENTEEN

On or about August 3, 2017, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendant,

IVAN JAMES,

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Glock 40 Caliber Pistol bearing Serial Number NBN326, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT EIGHTEEN

On or about August 3, 2017, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendants,

**IVAN JAMES, and
MALACHI BENJAMIN,**

aided and abetted by each other, and by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Springfield XD .45 Caliber Handgun bearing Serial Number US703390, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with

Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT NINETEEN

On or about August 3, 2017, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendant,

IVAN JAMES,

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) Romarm WASR-10 AK Rifle bearing Serial Number AG4449, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT TWENTY

On or about August 3, 2017, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendant,

KAI JAMES,

aided and abetted by others known and unknown to the Grand Jury, did knowingly possess a firearm, that is: one (1) HK P2000 .40 Handgun bearing Serial Number 123074009, in furtherance of a crime of violence or drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute

Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Second Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

COUNT TWENTY-ONE

On or about May 25, 2017, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendants,

**IVAN JAMES,
JOH WILLIAMS,**

knowingly used, carried, and discharged, and aided and abetted the use, carrying and discharge of firearms, that is a Olympic Arms MFR AR Rifle bearing Serial Number TB1292, and a Glock 40 Caliber Pistol bearing Serial Number NBN326, during and in relation to a drug trafficking crime, for which they may be prosecuted in a Court of the United States, that is, conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846, as charged in Count One of this Second Superseding Indictment, in violation of 18 U.S.C. § 924(c)(1), and in the course of this violation caused the death, and aided and abetted the killing, of a person through the use of that firearm, which killing is a murder, as defined in 18 U.S.C. § 1111, in that the defendants, with malice aforethought, unlawfully killed **LEVAR POGSON** by shooting him with the firearm willfully, deliberately, maliciously, and with premeditation. All in violation of 18 U.S.C. §§ 924(j)(1) and 2.

COUNT TWENTY-TWO

On or about May 25, 2017, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendants,

**IVAN JAMES,
JOH WILLIAMS,**

knowingly used, carried, and discharged, and aided and abetted the use, carrying and discharge of firearms, that is a Olympic Arms MFR AR Rifle bearing Serial Number TB1292, and a Glock 40 Caliber Pistol bearing Serial Number NBN326, during and in relation to a crime of violence, for which they may be prosecuted in a Court of the United States, that is, first degree murder, in violation of 14 V.I.C. § 922(a)(1), as charged in Count Twenty-Three of this Second Superseding Indictment, in violation of 18 U.S.C. § 924(c)(1), and in the course of this violation caused the death, and aided and abetted the killing, of a person through the use of that firearm, which killing is a murder, as defined in 18 U.S.C. § 1111, in that the defendants, with malice aforethought, unlawfully killed **LEVAR POGSON** by shooting him with the firearm willfully, deliberately, maliciously, and with premeditation. All in violation of 18 U.S.C. §§ 924(j)(1) and 2.

COUNT TWENTY-THREE

On or about May 25, 2017, in the District of the Virgin Islands, and within the jurisdiction of this Court, the defendants,

**IVAN JAMES,
JOH WILLIAMS,**

aided and abetted each other and did unlawfully kill **LEVAR POGSON**, a human being, with malice aforethought, and in a willful, deliberate and premeditated manner, to wit: by shooting **LEVAR POGSON** with firearms. All in violation of 14 V.I.C. §§ 921 and 922(a)(1).

FORFEITURE ALLEGATION

The allegations contained in Counts One through Twenty-Three of this Second Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture, pursuant to the provisions of 21 U.S.C. § 853.

1. Upon conviction of the violations alleged in Counts One through Twenty-Three of this Second Superseding Indictment, including violations of 21 U.S.C. §§ 841(a)(1), 841(a)(1) and 846, and 18 U.S.C. § 2, defendants IVAN JAMES, KAI JAMES, JOH WILLIAMS, MALACHI BENJAMIN, TILLISA CEASER, ARIEL PETERSEN and JAHKIEBO JOSEPH shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), the following firearms: (1) Smith & Wesson 9 Millimeter Handgun, Serial Number HPP3181; (2) Smith & Wesson 9 Millimeter Handgun, Serial Number HSR3500; (3) Glock 22, .40 Caliber Handgun, Serial Number BDUN801; (4) Glock 43, 9 Millimeter Handgun, Serial Number RYF733; (5) Colt Sporter .223 Caliber AR-15 Rifle, Serial Number MH064994; (6) Olympic Arms MFR AR Rifle, Serial Number TB1292; (7) Glock 40 Caliber Pistol, Serial Number NBN326; (8) Springfield XD .45 Caliber Handgun, Serial Number US703390; (9) Romarm WASR-10 AK Rifle, Serial Number AG4449; and (10) HK P2000 .40 Handgun, Serial Number 123074009, and any and all of the defendants' right, title and interest in any and all property, real or personal, constituting or derived from, any proceeds obtained, directly or indirectly, as the result of the offenses; and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of these offenses. The United States will also seek a forfeiture money judgment against the defendants equal to the value of any

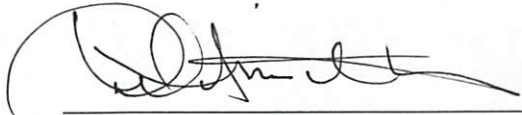
property constituting or derived from any proceeds obtained, directly or indirectly, as the result of these offenses.

2. If any of the property described above, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;


it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

Dated: 8/11/22



DELIA L. SMITH
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DISTRICT COURT OF THE VIRGIN ISLANDS: Returned into the District Court, District of the Virgin Islands, on this 11th day of August 2022, by Grand Jurors and filed.



HONORABLE RUTH MILLER
United States Magistrate
District of the Virgin Islands